

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
Plaintiff,)
) CR NO. 08-CR-10223-PBS
v.)
)
ALBERT GONZALEZ,)
Defendant.)
_____)

**DEFENDANT ALBERT GONZALEZ'S
MOTION TO CONTINUE SENTENCING**

Now comes the defendant, Albert Gonzalez, who hereby moves that this Honorable Court continue his sentencing date from December 8, 2009 to a date during the week of December 21, 2009, based on the following grounds:

1. That Gonzalez was, pursuant to a writ habeas corpus, taken to the District of New Jersey (Camden Division) shortly after his Rule 11 hearing and has thereafter been continuously detained in the Philadelphia area. Further time is needed by counsel to prepare meaningful submissions to Probation including a defense version of the offense, personal background information, and a financial report in the form adopted by the Probation Department. Counsel also requires the additional time to further investigate certain potential downward departures and §3553 factors;
2. That Jennifer Sinclair, the Probation Officer responsible for preparing the Gonzalez Presentence Report, assents to this continuance; and
3. That Assistant United States Attorney Stephen Heymann has stated that the government does not object to a postponement of the sentencing in this case

from December 8, 2009, until the week of December 21, 2009, if a date is available on the Court's docket that week. The government strongly objects to any longer continuance. Mr. Gonzalez has been set for trial in the case pending against him in the United States District Court for the District of New Jersey on January 25, 2010. Sentencing before this Court needs to take place in an orderly manner before Mr. Gonzalez is transferred back to New Jersey for trial preparation and trial. Any longer continuance would conflict with the trial setting in New Jersey .

Respectfully submitted,
By his Attorneys,

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CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I, Martin G. Weinberg, hereby certify that this document filed through the ECF system on October 26, 2009, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Martin G. Weinberg

